IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:07CV169

KIMBERLY A. HOYLE,)	
Plaintiff,)	
vs.)	ORDER
FREIGHTLINER, LLC,)	
Defendant.)	
)	

This matter is before the court upon Defendant's Motion for Partial Dismissal of Plaintiff's Complaint. Defendant seeks to have the court dismiss Plaintiff's Second and Sixth Claims for Relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to the extent such claims purport to allege violation of N.C. Gen.Stat. § 143-422.2 and wrongful discharge in violation of the public policy of North Carolina. The Plaintiff has submitted a response in which she indicates that she has no objection to the motion, except that the Second Claim for Relief also states a claim under Title VII of the Civil Rights Act of 1964 which should not be dismissed.

IT IS THEREFORE ORDERED that Defendant's Motion for Partial Dismissal is hereby GRANTED as to the Second and Sixth Claims for Relief to the extend these claims purport to allege violation of N.C. Gen.Stat. § 143-422.2 and wrongful discharge in violation of the public policy of North Carolina.

Signed: June 4, 2008

Graham C. Mullen

United States District Judge